

Alonzo Morefield, Jr.,
PLAINTIFF

* MOTION TO VOLUNTARILY DISMISS
COMPLAINT

VS -

GINA SAVAGE, et al., RECEIVED
DEFENDANTS

2007 SEP 12 A 9:47

2:07-cv-780-MHT
(Wd)

PLAINTIFF IN THE ABOVE STYLED CASE Moves This Court to Voluntarily DISMISS THIS CASE SPA
DEBRA P. HACKETT, CJA
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

1. PLAINTIFF IS IN RECEIPT OF THE MAGISTRATE JUDGE'S RECOMMENDATIONS FILED ON SEPTEMBER 4, 2007 ARRIVING TO PLAINTIFF SEPTEMBER 6, 2007.
2. PLAINTIFF IS UNKNOWINGLY ADVISED THAT HIS STATE TORT LAW SUIT FILED IN THE CIRCUIT COURT OF MONTGOMERY COUNTY ALABAMA WAS TRANSFERRED TO THIS COURT.
3. PLAINTIFF DID NOT DESIRE OR DESIRE TO BRING THIS ACTION IN THE FEDERAL COURT OR BELIEVE PLAINTIFF WOULD HAVE FILED THE APPROPRIATE FORMS. IT WAS THE DEFENDANTS WHO INITIATED THE TRANSFER OF THIS CASE. PLAINTIFF DID NOT LABEL, AVER OR INFER THAT HIS STATE TORT LAW SUIT WAS TO BE CONSIDERED AS A 1983 ACTION.
4. PLAINTIFF CIVIL ACTION FILED ON JUNE 20, 2007, IN CIRCUIT COURT OF MONTGOMERY COUNTY ALABAMA IS A STATE TORT LAW SUIT AND SHOULD HAVE BEEN DISMISSED AS SUCH. PLAINTIFF WAS NOT AWARE OF THE SUIT'S TRANSFER UNTIL RECEIPT OF THE MAGISTRATE RECOMMENDATIONS. DEFENDANTS AND/OR CIRCUIT COURT OF MONTGOMERY COUNTY ALABAMA FAILED TO INFORM PLAINTIFF OF THIS LAW SUIT'S TRANSFER.
5. PLAINTIFF DOES NOT DESIRE TO PURSUE THIS CASE IN FEDERAL COURT. IF STATE LAW TOLL LIMITATION BARRED THIS TORT THEN STATE COURT SHOULD HAVE PROPOSED OR PROCEEDED TO DISMISS THIS CASE. THE TRANSFER OF THIS CASE TO FEDERAL COURT IS AN ATTEMPT BY DEFENDANTS TO HAVE THIS COURT IMPOSE A STRIKE AGAINST PLAINTIFF PURSUANT TO THE PRISON LITIGATION REFORM ACT. PLAINTIFF ASK THE COURT NOT TO BE SWAYED BY THE RETALIATORY ACTIONS OF THE DEFENDANTS.

IN SUM, PLAINTIFF ASK THIS COURT TO VOLUNTARILY DISMISS THIS CASE SPA SPONTANEOUSLY BASED ON THE AFOREMENTIONED CAUSE WITHOUT PRE JUDICE. PLAINTIFF WILL RE-EVALUATE HIS OPTIONS AND SEEK REDRESS IN A CIVIL STATE TORT CLAIM WHICH WAS HIS INITIAL INTENT. MOREOVER, PLAINTIFF SHOULD NOT BE PUNISHED WITH A PREVIOUS DISMISSAL AS HE DID NOT SEEK A 42 USC 1983 LAW SUIT.

Respectfully Submitted,

Alonzo Morefield, Jr.,
Plaintiff, Pro se

b4:

(Pm/n)

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing was served on counsel for defendant by placing the same in U.S. Mail, postage pre paid addressed to:

Attorney Constance Walker
of Haskell, Slusher, Young and Galloway, LLC
P. O. Box 4660
Montgomery, AL. 36103-4660
(334) 265-8573

This 10th day of September, 2007.

(Pm/n)

Alonzo Morefield, Jr.
Georgia State Prison
I.D. No. 478955
300 First Ave
Reidsville, GA.
30453

1100 N.W. Mockfield, Jr
Blk 4 Hwy 147
Reidsville, Ga. 35429

Georgia State Prison
300 1st Avenue South
Reidsville, Ga. 30453



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Send for same day
mailing on 9/10/07
for Debra Statekor
P.O. Box 711

To : DEBRA STATEKOR
U.S. DISTRICT COURT, CLEVELAND
P.O. BOX 711

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